

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

HEALTH INSURANCE PLAN OF NEW YORK,  
on behalf of itself and all others similarly situated,

Plaintiff,

V.

AVENTIS PHARMACEUTICALS, INC.,

Defendant.

**Civil Action No. 07-cv-6785 (HB)**

**Hon. Harold Baer, U.S.D.J.**  
**ECF Case**

## NOTICE OF MOTION

**PLEASE TAKE NOTICE** that the undersigned will bring the foregoing Motion to Dismiss the Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim before the Honorable Harold Baer in the United States District Courthouse, 500 Pearl Street, New York, New York 10007 on the 15th day of November 2007.

Dated: October 22, 2007

Respectfully submitted,

/s/ Rosanna K. McCalips

John M. Majoras

Julia E. McEvoy (admitted *pro hac vice*)

Rosanna K. McCalips (admitted *pro hac vice*)

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**CERTIFICATE OF SERVICE**

I, Rosanna K. McCalips, certify that the foregoing Notice of Motion to Dismiss the Complaint for Lack of Subject Matter Jurisdiction and Failure to State Claim was served on October 22, 2007, on the counsel listed below in the manner indicated below:

Richard Cohen Peter D. St. Phillip LOWEY DANNENBERG BEMPORAD SELINGER & COHEN, P.C. White Plains Plaza One North Broadway White Plains, NY 10601  <i>Via ECF Filing</i>	Mark M. Sandmann Mark D. Fischer Jeffrey Swann RAWLINGS & ASSOCIATES, P.L.L.C. 325 W. Main Street Louisville, KY 40202  <i>Via Federal Express</i>
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/s/ Rosanna K. McCalips